

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ROBERT LILLY, III,

Defendant.

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: S1 15 Cr. 583 (JSR)

:

x

WHEREAS, on or about September 21, 2015, ROBERT LILLY, III (the "defendant"), and another, was charged in a three-count Superseding Indictment, S1 15 Cr. 583 (JSR) (the "Indictment"), with conspiracy to possess and present fictitious obligations, in violation of 18 U.S.C. § 371 (Count One); and conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count Three);

WHEREAS, the Indictment included, inter alia, a forfeiture allegation with respect to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of all property, real or personal, constituting or derived from proceeds traceable to the commission of the offense charged in Count Three of the Indictment;

WHEREAS, on or about January 12, 2016, the defendant pled guilty to Count Three of the Indictment, pursuant to a plea

agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit a sum of money equal to \$25,062.64 in United States currency, representing all property, real or personal, constituting or derived from proceeds traceable to the offense charged in Count Three of the Indictment; and

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$25,062.64 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Benet J. Kearney, of counsel, and the defendant, and his counsel, Robert Baum, Esq. that:

1. As a result of the offense charged in Count Three of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$25,062.64 in United States currency (the "Money Judgment") shall be entered against the defendant. This forfeiture obligation shall be joint and several with any such obligations entered against the defendant's co-defendant

George Cantres, charged in United States v. Robert Lilly, et al., S1 15 Cr. 583 (JSR).

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ROBERT LILLY, III, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Department of Treasury (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Jason Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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LEFT BLANK]**

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By: 

BENET J. KEARNEY
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2260

1/12/16

DATE

ROBERT LILLY, III

By: 

ROBERT LILLY, III

1-12-16

DATE


By: 

ROBERT BAUM, ESQ.
Attorney for Defendant
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, NY 10007

1-12-16

DATE

SO ORDERED:


HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

1/12/16
DATE